IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.436 OF 2003

IN

SUMMARY SUIT NO. 755 OF 2000

Naseem Sultanali Delhiwala .. Plaintiff

versus

Firoz & Co. .. Defendant

...

Mr.Tushar Bhavsar i.b Manoj Bhatt for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 29th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant though served.

2. Perused the affidavit dated 16th march 2005 filed by Sudhir Avhad and the acknowledgement annexed thereto. Summons for Judgement was served on the defendant through its Advocate on 1st March 2005. The defendant has not filed an application for leave to defend nor filed any affidavit in reply.

3. The learned counsel for the plaintiff hands in

original documents. The documents are taken on record and collectively marked Exhibit-A.

4. I have perused the plaint and the original documents. The plaintiff sold, supplied and delivered to the defendant goods and sent Invoices for the goods. The plaintiff has filed on record office copies of the invoices as well as delivery challan and also Form no.14-B to the Central Sales Tax Act, in respect of each of the supplies. Form no.14-B bears the signature of the defendant with the rubber stamp.

5. In the absence of any application for leave to defend, the averments made in the plaint are deemed to be accepted. The plaintiff is also entitled to a decree under Order 37 Rule 3(6) of the Code of Civil Procedure. Hence, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as follows:-

6. The defendant shall pay to the plaintiff a sum of Rs.2,92,672/- together with interest on the principal sum of Rs.2,82,528/- at 6% p.a. from the date of the suit till payment and all costs of the suit.

D.G. KARNIK, J